

Appendix A. Potential Options for NRB Action in Response to Legislative Subcommittee Action as Presented to the User Groups.

While there are a number of options available for the Natural Resources Board, the department has identified two of the most viable options for your review and consideration.

	Option 1	Option 2*
Potential DNR Recommendation for NRB Action	Postpone Filing of the Rule until Legislative Review is Over.	File the Rule as Approved by the Legislature with Additional Modifications for Clarification.
Result for 2006 Deer Season.	<p>By postponing the rule, the deer season in 2006 would be the same deer season that was in place for the 2005 season.</p> <p>Note: If this were to occur, the DNR would immediately begin promulgation of a rule to salvage the non-controversial aspects of this rule, such as simplified tagging and the two day statewide youth hunt.</p>	<p>By filing the rule as approved by the Legislative subcommittees we would implement the entire 2006 deer rule for the 2006 deer season, except the December 4-day antlerless gun hunt would begin one week earlier. It would start on the Thursday immediately following the 9-day deer gun season.</p> <p>Additionally, we would utilize our ability to select portions of the rule that are problematic (such as the conflicts that exist with the archery season north of Hwy. 8 and the 4-day deer gun season in DMU 1M)**.</p>
How does this Relate to Previous NRB Action?	<p>This option would be in line with the most recent action by the Natural Resources Board.</p> <p>By doing this, there is additional time until the Legislative objections are dealt with by JCRAR and the Legislature. Should JCRAR object, and legislation is not successfully passed by the end of next session, the rule could go into effect in 2008. However, due to sunsets built into the rule, in 2008 the rule would no longer be able to be implemented and further rule promulgation and legislative review would be required.</p>	<p>This is contrary to the most recent action taken by the NRB, when they agreed to not consider the same modification requested by the Legislative subcommittees.</p> <p>The rationale for opposing this modification still exists. Adequate herd control is not likely with the hunt occurring so soon after the 9-day season ends, due to limited participation. This potentially results in widespread EAB units in 2007 and the likelihood of Oct. hunts returning in 2007. Additionally, this season falls within the 10-day muzzleloader season and would take place over the only 'muzzleloader only' weekend. This leads to confusion, enforcement issues** and loss of a special muzzleloader only hunting opportunity.</p>
Result for CS&L and License Sales.	Customer Service and Licensing and the Automated Licensing System (ALIS) are able to proceed with license sales on March 10, 2005.	<p>The department will be able to implement the deer rule changes for the 2006 license year, but will need to delay the first day of license sales from March 10 to March 20, 2006. Customer Service & Licensing staff will need extra time to program, test and deliver those changes to 1,450 ALIS vendors across the state. Delaying the start of license sales will have minimal impacts on our customers***</p> <p>We would implement a communication strategy that would deliver the new license year sales information to the public via the media, internet, e-mail, etc.</p>
Result for LE and Enforcement	LE, although concerned about the same tagging complexity that existed in 2005, would be prepared to enforce existing 2005 regulations again in 2006, and would not have to try and deal with an overlap of an antlerless gun deer season during the either-sex 10 day muzzleloader season.	Although a number of the enforcement issues associated with the muzzleloader season overlap would still exist, some conflicts could be eliminated, such as the conflicting archery season and metro unit seasons and regulations**. This would make the rule a bit less confusing for hunters.

* If this option is pursued, then corrective action should be considered either prior to the 2006 season or for the 2007 season, to rectify the muzzleloader and 4-day antlerless only gun season overlap. This can potentially be done three different ways:

- ❖ Work with JCRAR to have them request germane modifications to fix the muzzleloader season. This could be done in advance of the 2006 season, but would require quick decisions that could bring about potentially differing points of view.
- ❖ Promulgate a new rule. This would have to go to hearing and would not be in place for 2006. This has the potential to be a difficult rule process as we again must consider a variety of interests and points of view, however, waiting will provide more opportunity for discussion.
- ❖ Promulgate an Emergency rule to address the conflicts and confusion for the 2006 season. There is potential here for more dialog, but still a lot of work will need to be done prior to the publication of hunting regulation in June.

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** The following are points of concern from Law Enforcement:

1. MUZZLELOADER SEASON ISSUES:

The changes made by the legislature would overlap the 4-day December Antlerless Only Firearm deer season in the "December Herd Control Zone" units (North of Hwy 8) with the current 10-day muzzleloader only season which allows the harvest of both Antlered and Antlerless deer, but only with muzzleloader that are not equipped with a scope. This will cause great confusion for hunters who will not understand why 2 different seasons are being run at the same time. It is very likely that many will have difficulty or simply not understand what type of weapon is allowed and what type of deer can be killed with the different types of weapons that will be legal to possess in the field. The Following is a summary of some of the conflicts that will exist:

	<u>4-day Firearm Season</u>	<u>10-day Muzzleloader Season</u>
Dates Overlap:	Thur. Nov. 30 - Sun. Dec. 3th	Mon. Nov. 27 - Wed. Dec. 6th
Bag limit:	Antlerless Deer ONLY	Bucks & Antlerless Deer
Weapons:	Rifles, Shotguns, Muzzleloaders, Handguns	Muzzleloaders ONLY
	Note: Any of these may use a Scope.	Note: May NOT use a Scope
Group Hunting:	Allowed, even with "Muzzleloader Season Hunters"	Allowed, even with other firearm hunters

If allowed to move forward this way, it will be difficult if not impossible to enforce the firearms restrictions that are in effect for the 10-day muzzleloader season or the antlerless only restriction that is in place for the 4-day firearm season. Wardens would likely only be able to assure that everyone complied with license requirements and that each deer was tagged with a valid tag for the sex of deer killed.

2. The Legislature moved the dates of the "Firearm" antlerless only December season; it now would actually start in November (November 30th, 2006). This may not be a big issue, but is inconsistent the references in the rule to a "December Herd Control Zone".

3. ARCHERY SEASON ISSUES:

The Legislature moved the "December Antlerless Only Firearm Season" dates to one week earlier as noted above. However, they did not change the dates of the Late Archery Season, OR change the fact that the 4-day Antlerless ONLY Archery season in December only applies to units that are over goal. This will create several issues of concern.

a. There is an either-sex archery season occurring during the 4-day Firearm Antlerless only season in all units in the "December Herd Control Zone" DMU's (Thursday Nov. 30th - Sunday Dec. 3rd).

b. The Archery Season will be Antlerless ONLY for 4 days one week later when there is not firearm season occurring, but only in Herd Control DMU's in the "December Herd Control Zone". No reason for this to be antlerless only when there is not a firearm season occurring and it would be inconsistent (patch work) across the December Herd Control Zone.

4. METRO UNIT SEASON ISSUES:

Although the legislature moved the December Antlerless Firearm season up one week in MOST of the "December Herd Control Zone" DMU's, it did not move it up in Unit 1M, the Metro unit. This means:

a. There would still be a 4 day antlerless only firearm season taking place in Unit 1M from Dec. 7 - 10th, when the rest of the "December Herd Control Zone" does not have a firearms season occurring.

b. There will be a Buck + Antlerless Season occurring in the Metro Unit 1M from (Thursday Nov. 30th - Sunday Dec. 3rd) due to it having a 19 day regular firearm season and not a muzzleloader only season. This will create confusion with adjacent units that are having a 4-day antlerless only firearm season overlapping a 10-day muzzleloader Buck + antlerless season.

*** The following are considerations passed on by Customer Service and Licensing:

1) Last year, 29,754 customers purchased a license between March 10-20. Current year licenses do not expire until March 31, so the inconvenience to these "early-bird" customers should be minimal.

2) The first-come first-served sale of "left-over" spring turkey permits would need to be delayed until after the new license year sales begins. It is proposed that sales would begin on Saturday, March 25 at 12:00 noon.

3) License sales would not available at the Milwaukee Sport Show, March 10-19. In 2005, 3,369 customers purchased a license at this event.